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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/016,957	12/07/2001	Raymond P. Vander Veen	555255012303	7353

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EXAMINER

TAYLOR, BARRY W

ART UNIT	PAPER NUMBER
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2643

DATE MAILED: 12/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/016,957

Applicant(s)

VANDER VEEN ET AL.

Examiner

Barry W. Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 7-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 7-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 7-10 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

For example, claims 7 and 16 generally recite "and/or" but the Applicants specification only supports "and" (see Applicants specification page 12, line 13 "Encrypted and compressed" and page 12, line 17 "decrypt and decompress").

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 7-10 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Starkovich et al (2002/0197995 hereinafter Starkovich) further in view of Bach et al (6,757,534 hereinafter Bach).

Regarding claim 7. Shim teaches an integrated radiotelephone holster wherein when the radiotelephone is placed into holster, the phone enters into different modes of operation including: power save mode, answer mode (e.g. receiving incoming call, voice or data), deactivated state (e.g. terminate call), phone mail or other desired functions (abstract, col. 2 lines 8-29, col. 3 lines 37-53). Shim discloses sensing when phone is removed from holster wherein the speaker function is automatically disabled (col. 4 lines 7-16) and when phone is placed into holster the phone enters idle mode (see sleep mode col. 4 line 22). Shim further discloses that when in power-conservation mode and still in holster and incoming call (i.e. voice or data) is received the phone advises the user wearing the holster of incoming call and powers the audio appliance for user to use in responding to call (col. 4 line 40 – col. 5 line 3). Shim discloses other components

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may be reactivated when incoming call received, for example visual alerts, displays, touch sensitive screen, etc. (col. 5 lines 3-15).

Shim fails to show delay notification of data message until the mobile device is able to decrypt and decompress (see Applicants general remark on page 9, paper dated 10/6/05).

Starkovich also teaches a wireless device that is capable of transmitting and receiving data messages (Title, abstract). Starkovich discloses that it may be desirable to encrypt or compress (paragraphs 0020 – 0028) messages prior to it being transmitted but delaying the encryption or compression until portable unit is connected to a stable power supply (paragraph 0023) thereby saving battery supply of the wireless hand-held device.

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Shim to utilize the teachings of Starkovich in order to save power supply of the wireless hand-held device when sending data message over-the-air.

Shim in view of Starkovich fail to teach user-selected group of phone numbers.

Bach teaches a cellular phone with special standby feature (title, abstract) wherein communication is automatically established upon receipt of call and blocking incoming calls if the number is on user-selected list (abstract, col. 1 lines 40-50) thereby reducing distractions in meetings when a cellular phone receives an incoming call (co. 1 line 65 – col. 2 line 9). Bach further teaches the cell phone may ring or vibrate to

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indicate incoming call (col. 2 lines 10-26). Bach teaches the user can preprogram the cell phone to accept certain calls and reject others (col. 2 lines 26-41, col. 3 lines 1-63, col. 4 lines 18-44). Bach allows user to program cell phone to automatically accept the call (col. 2 lines 42-56). Bach allows user to preprogram the cell phone to block all incoming calls for a specified period (col. 4 lines 4-17).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Bach into the teachings of Shim in view of Starkovich in order to reduce distractions in meetings when hand-held device receives an incoming call as disclosed by Bach.

Regarding claim 8. Shim teaches automatically opening the received data message and displaying it to the user (col. 2 lines 8-29, col. 3 lines 37-53, col. 4 line 32 – col. 5 line 3).

Regarding claim 9. Shim teaches automatically answering voice call (col. 2 lines 8-29, col. 3 lines 37-53, col. 4 line 32 – col. 5 line 3).

Regarding claim 10. Shim teaches displaying caller identification information (col. 5 lines 3-15).

Method claim 16 is rejected for the same reasons as method claims 7 and 8 since claim 16 is the combination of claims 7 and 8.

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3. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Finch et al (5,542,105 hereinafter Finch) further in view of Breamer (6,018,671).

Regarding claim 11. Shim teaches an integrated radiotelephone holster wherein when the radiotelephone is placed into holster, the phone enters into different modes of operation including: power save mode, answer mode (e.g. receiving incoming call, voice or data), deactivated state (e.g. terminate call), phone mail or other desired functions (abstract, col. 2 lines 8-29, col. 3 lines 37-53). Shim discloses sensing when phone is removed from holster wherein the speaker function is automatically disabled (col. 4 lines 7-16) and when phone is placed into holster the phone enters idle mode (see sleep mode col. 4 line 22). Shim further discloses that when in power-conservation mode and still in holster and incoming call (i.e. voice or data) is received the phone advises the user wearing the holster of incoming call and powers the audio appliance for user to use in responding to call (col. 4 line 40 – col. 5 line 3). Shim discloses other components may be reactivated when incoming call received, for example visual alerts, displays, touch sensitive screen, etc. (col. 5 lines 3-15).

Shim fails to show using magnet for sensing phone is in holster.

Finch also teaches position sense radio carry case which can automatically adjust radio control functions such as telephone hang-up or illumination levels (abstract) by using magnet in holster (see 38 figure 2, col. 2 lines 2-60) and magnet sense circuitry in telephone (see 14 figure 1). Finch discloses that by using magnet and sense

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circuitry in telephone makes telephones more reliable since there is no need for moving mechanical switches to detect if phone placed into holster (col. 1 lines 42-49).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the holster and phone as taught by Shim to use magnet in holster as taught by Finch for the benefit of sensing when phone placed into holster so that telephone hang-up occurs automatically thereby saving battery life.

Shim in view of Finch fail to teach prompting user.

Breamer teaches mobile phone having silent alert allowing the device to signal the user of incoming call without an audible alert (title, abstract). Breamer teaches that prompts may be provided to both the called and calling party (columns 3-4, col. 5 lines 7-17) allowing for called party to look at received caller identification before answering incoming call.

It would have been obvious for any one of ordinary skill in the art at the time of invention to utilize the teachings of Breamer into the teachings of Shim in view of Finch in order provide user with silent alert before deciding whether or not they want to accept the call as taught by Breamer.

Regarding claim 12. Breamer teaches displaying caller id so that called party can decide whether or not to answer incoming phone call (see at least col. 3 line 7-17).



Regarding claim 13. Finch also teaches position sense radio carry case which can automatically adjust radio control functions such as telephone hang-up or illumination levels (abstract) by using magnet in holster (see 38 figure 2, col. 2 lines 2-60) and magnet sense circuitry in telephone (see 14 figure 1). Finch discloses that by using magnet and sense circuitry in telephone makes telephones more reliable since there is no need for moving mechanical switches to detect if phone placed into holster (col. 1 lines 42-49).

4. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shim et al (6,643,528 hereinafter Shim) in view of Finch et al (5,542,105 hereinafter Finch) and Breamer (6,018,671) further in view of Bach et al (6,757,534 hereinafter Bach).

Regarding claim 14. Shim in view of Finch and Breamer fail to teach user-selected group of phone numbers.

Bach teaches a cellular phone with special standby feature (title, abstract) wherein communication is automatically established upon receipt of call and blocking incoming calls if the number is on user-selected list (abstract, col. 1 lines 40-50) thereby reducing distractions in meetings when a cellular phone receives an incoming call (co. 1 line 65 – col. 2 line 9). Bach further teaches the cell phone may ring or vibrate to indicate incoming call (col. 2 lines 10-26). Bach teaches the user can preprogram the cell phone to accept certain calls and reject others (col. 2 lines 26-41, col. 3 lines 1-63, col. 4 lines 18-44). Bach allows user to program cell phone to automatically accept the

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call (col. 2 lines 42-56). Bach allows user to preprogram the cell phone to block all incoming calls for a specified period (col. 4 lines 4-17).

It would have been obvious for any one of ordinary skill in the art at the time of the invention to utilize the teachings of Bach into the teachings of Shim in view of Finch and Breamer in order to reduce distractions in meetings when cell phone receives an incoming call as disclosed by Bach.

Regarding claim 15. Bach teaches ringing or vibrating phone to indicate incoming call (col. 2 lines 10-26).

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 7-16 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you

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have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Centralized Delivery Policy: For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

A handwritten signature in black ink, appearing to read "Barry W. Taylor", with a long horizontal flourish extending to the right.

Barry W. Taylor  
Primary Examiner  
Technology Center 2600  
Art Unit 2643